

U.S. Department
of Transportation

United States
Coast Guard



COMMANDANT (G PE)
U S COAST GUARD
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COMDTINST 1910.1
29 JAN 1992

COMMANDANT INSTRUCTION 1910.1

Subj: Eligibility of Regular and Reserve Enlisted Personnel for Separation Pay

Ref: (a) Section 501 of Public Law 101-510, "National Defense
Authorization Act for Fiscal Year 1991," 5 Nov 1990
(b) Title 10, United States Code
(c) Chapter 12, CG PERSMAN, COMDTINST M1000.6 (series)
(d) Title 14, United States Code

1. PURPOSE. This Instruction establishes policy, procedures, and responsibilities for determining eligibility for separation pay for Regular and Reserve enlisted members who are involuntarily separated from active duty.
2. SCOPE. The contents of this Instruction apply to Regular and Reserve enlisted personnel of the United States Coast Guard. Inquiries concerning officer separation pay shall be referred to Commandant (G-PO).
3. DISCUSSION.
 - a. The issuance of this Instruction on separation pay incorporates the legislative changes to 10 U.S.C. 1174 contained in reference (a).
 - b. The law provides the Coast Guard authority to establish the conditions under which full or half separation pay is allowed and the conditions that preclude any payment. This Instruction precludes separation pay to any member separated for substandard performance, unsuitability, or misconduct.

4. POLICY.

- a. Full Separation Pay (Non-disability). Full payment of non-disability separation pay, computed as provided in subsection 4.c, below, is authorized to enlisted members of the Regular and Reserve components involuntarily separated from active duty who meet each of the following four conditions:

(1) The member must meet one of the following active duty criteria:

- (a) The member is a Regular enlisted member on active duty and has completed at least 6 years, but less than 20 years, of active duty. For a Reserve member not on the active duty list when separated, 6 years of continuous active duty must have preceded immediately before such separation. A period of active duty is continuous if any break in active duty does not exceed 30 days.
- (b) The member (other than a Regular enlisted member) was on active duty on 5 November 1990, and on that date had 5 years or more, but less than 6 years of active duty. For a Reserve member not on the active duty list when separated, 5 years of continuous active duty must have been preceded immediately before such separation. A period of active duty is continuous if any break in active duty does not exceed 30 days.

(2) The member's separation is characterized as "Honorable" as defined in article 12-B-2 of reference (c).

(3) The member is being involuntarily separated because of not being recommended for retention or continuation on active duty under one of the following specific conditions:

- (a) The member is fully qualified for retention but is not recommended for retention or continuation.
- (b) The member is fully qualified for retention and is being involuntarily separated under a reduction in force by authority designated by the Commandant as authorized by Section 1169 of reference (b).

4. a. (4) The member has entered into a written agreement to serve in the Coast Guard Ready Reserve for a period of not less than 3 years following separation from active duty. (See enclosure (1).)
 - (a) A member who enters into this written agreement and who is qualified for the Coast Guard Ready Reserve shall, upon separation from active duty, be enlisted or appointed, as appropriate, as a Reserve member by the Coast Guard. If the member has a service obligation under Section 651 of reference (b) or any other law that is not completed at the time the member is separated from active duty, then the 3 year obligation shall begin on the day after the day on which the member completes his or her obligation under such section of the law.
 - (b) A member who enters into this written agreement and who is not qualified for enlistment or appointment in the Ready Reserve need not be enlisted or appointed to be considered to have met this condition of eligibility for separation pay.
- b. Half Separation Pay (Non-disability). Half payment of non-disability separation pay, computed as provided in subsection 4.c, below, is authorized to members of the Regular and Reserve components involuntarily separated from active duty who meet each of the following four conditions: (In extraordinary instances, Commandant may award full separation pay to members otherwise eligible for half separation pay when the specific reasons for separation and overall quality of the members service have been such that denial of such pay would clearly be unjust.)
 - (1) The member meets one of the criteria for active duty specified in paragraph 4.a.(1) above.
 - (2) The member's separation is characterized as "Honorable", or "General Under Honorable Conditions" in accordance with reference (c) and none of the conditions in subsection 4.b.(3)(a) below apply.
 - (3) The member is being involuntarily separated because of not being recommended for retention or continuation on active duty under one of the following specific conditions:

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4. b. (3) (a) The member is not fully qualified for retention and is not recommended for reenlistment or continuation under any of the following conditions:
- 1 Expiration of enlistment.
 - 2 Homosexuality.
 - 3 Alcohol abuse rehabilitation failure.
 - 4 Security.
- (b) The member is being separated under a Coast Guard specific program established as half payment by the Commandant.
- (c) The member, having been not recommended for reenlistment or continuation on active duty, accepts an earlier separation.
- (4) The member has entered into a written agreement to serve in the Ready Reserve as provided for in paragraph 4.a.(4) above.
- c. Computation of Active Duty and Separation Pay. Full Separation Pay (non-disability) shall be computed at 10 percent of 12 times current monthly basic pay at separation times the number of years and fractions of a year of active duty.

$$10\% \times (12 \times \text{BP} \times \text{YRS ACDU}) = \text{TOTAL SEP PAY}$$

Half Separation Pay (non-disability) shall be computed at one half of the full separation payment.

$$1/2 (10\% \times (12 \times \text{BP} \times \text{YRS ACDU})) = \text{TOTAL SEP PAY}$$

Active duty time shall be computed as follows:

- (1) Qualifying years, except as noted in paragraph 4.a.(1) above, do not have to be continuous; however the last year must end immediately before the separation from active duty occurs.
- (2) Computing fractions of years: count each full month that is in addition to the number of full years as one-twelfth of a year. Disregard any remaining fractional part of a month.

4. c. (3) Periods for which a member previously received separation pay, severance pay, or readjustment pay may be counted to qualify and ensure the member meets the minimum required years of active duty, but the periods can not be used in the multiplier determining the amount of separation pay for a subsequent separation.
- (4) Count all periods of active duty in a Regular or Reserve component, including all periods of active duty for training performed.
- (5) Do not include periods of absence without leave, confinement awaiting trial that results in conviction, confinement while serving a court- martial sentence, or time lost while not in the line of duty. Count time served to make good lost time.
- d. Limitations on Eligibility for Separation Pay. Members separated under the following circumstances are not eligible for separation pay:
 - (1) The member is separated from active duty at his or her own request. The following examples shall be considered to be a separation at the member's own request:
 - (a) A member who declines training to qualify for a new skill or rating or who refuses to obligate service for a PCS transfer as a precondition to reenlistment or continuation on active duty.
 - (b) A member who requests separation as provided for in reference (c) or under regulations established by the Commandant.
 - (c) A member who requests separation for hardship in accordance with reference (c).
 - (2) The member is separated from active duty during an initial term of enlistment or an initial period of obligated service. The initial term of enlistment or initial period of obligated service is the active service obligation that the member incurred upon initial enlistment. This limitation also applies to a member who desires to reenlist or continue at the conclusion of the initial term of enlistment or an initial period of obligation and is denied by the Commandant.

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4. d. (3) The member is released from active duty for training.
 - (4) The member is a warrant officer whose appointment is terminated and who then elects to enlist.
 - (5) The member is separated as a result of a court- martial sentence.
 - (6) The member is being separated under other than honorable conditions.
 - (7) The member is separated for unsatisfactory performance, unsuitability, or misconduct as Specified in reference (c).
 - (8) The member is being separated for failure to meet the maximum allowable weight standards.
 - (9) The member is separated under a Coast Guard specific program established as a no payment level by the Commandant.
 - (10) Determination in extraordinary cases by the Commandant that the conditions under which the member is separated do not warrant separation payment. It is intended that this discretionary authority to deny payment be used sparingly. This authority is not to be delegated.
- e. Repayment of Separation Pay, Severance Pay, or Readjustment Pay.
- (1) Members who receive separation pay under this Instruction, or severance pay or readjustment pay under any provision of law based on service in the Armed Forces, and who subsequently qualify under reference (b) or reference (d) for retired or retainer pay shall have deducted an amount equal to the total amount of separation pay, severance pay, and readjustment pay. This amount will be recouped from each payment of this retired or retainer pay until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay received.

EXAMPLE

4. e. (1) (cont'd) Member separated with 10 years, 2 months of active duty, and paid \$38,289.33 separation pay; member subsequently retires with 20 years of active duty:

years service at separation = 10.167

years service at retirement = 20.000 = .508 (multiplier)

gross monthly retired pay	\$1,800.00
<u>times multiplier</u>	X .508
equals monthly recoupment rate	\$ 914.40

The monthly recoupment rate shall be recomputed when gross retired pay is increased for cost-of-living adjustments. Only the difference between the recoupment and gross retired pay (\$885.60) is taxable.

- (2) Members who receive separation pay under this Instruction, or severance pay or readjustment pay under any law based on active duty, and become eligible for disability compensation administered by the Department of Veterans Affairs shall have deducted from such disability compensation an amount equal to the total amount of separation pay, severance pay, or readjustment pay received. However, such reduction shall not apply to disability compensation in which the entitlement to that disability compensation is based on a later period of active duty than the period of active duty for which the separation pay, severance pay, or readjustment pay was received.

5. ACTION.

- a. Commandant (G-P) will make determinations on cases not adequately addressed by the provisions of this Instruction.
- b. Commandant (G-PE) will determine if the member is entitled to receive full or half separation pay upon receipt of the discharge package and will issue a separation authorization which shall direct the execution of the discharge, if approved, state whether the member is or is not entitled to separation pay, whether the member is or is not qualified to be enlisted in the Ready Reserve, and shall direct the execution of a Reserve enlistment contract, if appropriate, as part of the discharge action.
- c. Commandant (G-PRJ) will determine whether or not the member is qualified for enlistment into the Coast Guard Reserve in accordance with COMDTINST M1100.2b (series).

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5. d. Commandant (G-RSM) will make the final decision on whether or not the member will be enlisted in the Coast Guard Reserve.
- e. Area commanders, district commanders, commanders of maintenance and logistics commands, Commander, Activities Europe, Superintendent, Academy and unit commanding officers and officers in charge shall:
- (1) Comply with the policies and procedures contained in this Instruction.
 - (2) Ensure all hands are aware of the contents of this Instruction.
 - (3) Submit discharge packages for members qualifying for separation pay to Commandant (G-PE) for approval. The discharge package must include, but not limited to, commanding officer's comments, copy of closed out Form CG-3306, copy of report of medical examination and other pertinent documents such as reports of investigation, alcohol rehabilitation information, etc.
 - (4) Execute an Enlistment/Reenlistment Document of the Armed Forces of the U. S. (DD-4) and a Coast Guard Reserve Assignment Request and Orders (CG-5525) when directed by Commandant (G-PE) as part of the approved discharge action.
 - (5) Ensure that if a member is authorized separation pay, it is noted on the Certificate of Release and Discharge from Active Duty, DD Form 214. This requirement will be incorporated into the next change to COMDTINST M1900.4 (series).

/s/ G. D. PASSMORE
Chief, Office of Personnel
and Training

Encl: (1) Sample CG-3307, Administrative Remarks, Entry for Reserve Obligation

SAMPLE ENTRY FOR RESERVE OBLIGATION

AS A CONDITION OF RECEIVING SEPARATION PAY UNDER 10 U.S.C. 1174, I HEREBY AGREE TO ENLIST OR EXTEND IN THE READY RESERVE FOR A PERIOD OF 3 YEARS FOLLOWING MY DISCHARGE OR RELEASE FROM ACTIVE DUTY IN ADDITION TO ANY REMAINING MILITARY SERVICE OBLIGATION. I UNDERSTAND THIS AGREEMENT IS MADE WITHOUT REGARD TO THE REASON FOR MY SEPARATION OR MY ELIGIBILITY FOR AFFILIATION WITH THE READY RESERVE. FURTHER, SHOULD I BE ACCEPTED FOR ENLISTMENT OR EXTENSION IN THE COAST GUARD RESERVE, I MUST EXECUTE THE EXTENSION OR ENLISTMENT CONTRACT AS A CONDITION OF QUALIFYING FOR SEPARATION PAY. I UNDERSTAND THAT IF I ENLIST IN THE READY RESERVE I MAY REQUEST TO BECOME A MEMBER OF THE SELECTED RESERVE BY APPLYING FOR AFFILIATION TO THE CHIEF, READINESS AND RESERVE DIVISION OF THE DISTRICT IN WHICH I LIVE. I ALSO AGREE IF ACCEPTED THAT I WILL KEEP THE DISTRICT COMMANDER (R) IN MY AREA INFORMED OF ANY CHANGES IN MY ADDRESS, PHYSICAL STATUS, OR DEPENDENCY STATUS. I UNDERSTAND THAT IF I STAY IN THE RESERVE AND LATER RETIRE, MY RETIRED PAY WILL BE REDUCED BY THE AMOUNT OF ENLISTED SEPARATION PAYMENTS RECEIVED.

JOHN B. BOATS
BM1, USCG

(DATE)

WITNESSED BY:

WATER T. HATCH
YNC, USCG